

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

OFELIA MONTANO-VARGAS,

Defendant.

NO. CR-12-6034-EFS

**ORDER GRANTING USAO'S ORAL  
MOTION TO DISMISS WITH  
PREJUDICE AND DIRECTING UNITED  
STATES MARSHALS SERVICE TO  
RELEASE DEFENDANT**

A hearing occurred in the above-captioned matter on October 16, 2012, in Richland. Defendant Ofelia Montano-Vargas was present, represented by defense counsel Diane Hehir. Mary K. Dimke appeared on behalf of the U.S. Attorney's Office (USAO). Before the Court were Defendant's Motion to Dismiss Case, ECF No. [24](#), and the USAO's Motion to Dismiss without prejudice under Federal Rule of Criminal Procedure 48(a), ECF No. [45](#). At the hearing, the Court denied the USAO's motion to dismiss without prejudice. Before the Court heard Defendant's motion, the USAO orally moved to dismiss the case *with* prejudice, ECF No. 48, and the Court granted that motion. This Order memorializes and supplements these rulings.

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1 Accordingly, **IT IS HEREBY ORDERED:**

- 2 1. The USAO's Motion to Dismiss *without* prejudice, **ECF No. 45**, is  
3 **DENIED.**
- 4 2. The USAO's oral motion to dismiss *with* prejudice under Rule 48,  
5 **ECF No. 48**, is **GRANTED.**
- 6 3. Defendant's Motion to Dismiss Case, **ECF No. 24**, is **DENIED AS**  
7 **MOOT.**
- 8 4. This case is **DISMISSED WITH PREJUDICE.**
- 9 5. The Clerk's Office is directed to **CLOSE** this file.
- 10 5. The U.S. Marshals Service is directed to **RELEASE** Defendant from  
11 custody.

12 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
13 Order and provide copies to counsel, the U.S. Probation Office, and the  
14 U.S. Marshals Service.

15 **DATED** this 16<sup>th</sup> day of October 2012.

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17 S/ Edward F. Shea  
18 EDWARD F. SHEA  
19 Senior United States District Judge  
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